

1 LAFAYETTE & KUMAGAI LLP
2 GARY T. LAFAYETTE (State Bar No. 088666)
3 SUSAN T. KUMAGAI (State Bar No. 127667)
4 FORREST E. FANG (State Bar No. 122805)
5 100 Spear Street, Suite 600
6 San Francisco, California 94105
7 Telephone: (415) 357-4600
8 Facsimile: (415) 357-4605

9 Attorneys for Defendants
10 REGENTS OF THE UNIVERSITY OF CALIFORNIA,
11 TALMADGE E. KING, JR., M.D., LEE GOLDMAN, M.D.,
12 J. MICHAEL BISHOP, M.D.

13
14 Fred M. Blum, Esq. (SBN# 101586)
15 BASSI, MARTINI & BLUM (SBN# 200524)
16 351 California Street, Suite 200
17 San Francisco, California 94104
18 Telephone: (415) 397-9006
19 Facsimile: (415) 397-1339
20 Attorneys for Plaintiff
21 STEPHEN EMBURY, M.D.

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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 STEPHEN EMBURY, M.D.,

Case No. C 01-01448 CW

18 Plaintiff,

19 vs.

20 TALMADGE E. KING, JR., M.D., LEE
21 GOLDMAN, M.D., J. MICHAEL BISHOP,
22 M.D., in their individual and official
23 capacities, THE REGENTS OF THE
24 UNIVERSITY OF CALIFORNIA, a public
25 corporation, and DOES 1 to 100, inclusive,

**ORDER GRANTING AS MODIFIED
STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE**

26 Defendants.

27
Date: May 26, 2006
Time: 1:30 p.m.
Courtroom: 2

**STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT
CONFERENCE**

2

1 Plaintiff Stephen Embury (“plaintiff”) and defendants Regents of the University of California,
2 Talmadge E. King, Lee Goldman and J. Michael Bishop (“defendants”) (collectively referred to
3 as the “parties”) through their respectively counsel stipulate as follows:

4 WHEREAS, the Case Management Conference in this action is presently scheduled for May 26,
5 2006;

6 WHEREAS, defendants Talmadge E. King, Jr., Lee Goldman and Michael Bishop’s
7 (“defendants”) Appeal of the Court’s Order Denying Summary Judgment is currently pending
8 before the United States Court of Appeal for the Ninth Circuit (the “Appeal”);

9 WHEREAS, the Court of Appeal issued a ruling on defendants’ appeal on May 02, 2006;

10 WHEREAS, the plaintiff filed a Petition for Rehearing and Rehearing en Banc of the Court of
11 Appeal’s ruling (“Petition for Rehearing”) on May 16, 2006;

12 WHEREAS, the parties stipulate to continue the Case Management Conference to July 28, 2006
13 at 1:30 p.m., pending the Ninth Circuit’s decision on the Petition for Rehearing.

14 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

15 That the Case Management Conference be continued to July 28, 2006, at 1:30 p.m. in Courtroom
16 2 of the above Court.

17 Dated: May 24, 2006LAFAYETTE & KUMAGAI LLP

18 /S/ Susan T. KumagaiSUSAN T. KUMAGAI
19 Attorneys for Defendants

20 REGENTS OF THE UNIVERSITY OF
21 CALIFORNIA, TALMADGE E. KING, JR., M.D.,
22 LEE GOLDMAN, M.D. and J. MICHAEL BISHOP,
23 M.D.

24 Dated: May 24, 2006BASSI, MARTINI & BLUM

25 /S/ Fred M. Blum
26 FRED M. BLUM
27 JULIE JARDINE
Attorneys for Plaintiff
STEPHEN EMBURY, M.D.

26 **ORDER**

27 The foregoing stipulation having been entered and good cause appearing therefore,

1 IT IS SO ORDERED AS MODIFIED: Counsel shall file on July 21, 2006, a Case
2 Management Statement with proposed dates, and, upon the filing of the Case Management
3 Statement, the Court will issue a scheduling order and no Case Management Conference
4 will be held.

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DATED: May 30, 2006

Claudia Wilken

THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE